

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 8 and 14 have been amended. Support for the amendments is provided for example in paragraphs [0006]-[0009] and [0018]-[0020] of Applicants' published specification. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection. Entry thereof is respectfully requested under 37 CFR 1.116. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

The Applicants respectfully traverse the rejection of claim 8 under 35 USC 112, second paragraph. With regard to this rejection of claim 8, the Final Rejection proposes that the multiple recitations of "information data" in claim 8, without the latter recitations including a definite article (e.g., the), leaves unclear whether the latter recitations refer to the originally recited information data or to different information data. Applicants have amended claim 8 to improve its clarity. According to English grammar, if a second recitation of a noun phrase, within a sentence, does not use a definite article, then the two noun phrases do not necessarily identify the same thing. And this is the case with claim 8. More specifically, claim 8 first recites "information data" in the main body of the claim with respect to data that is transmitted using a link (i.e., a particular link) established by a link establishment request; thus, the first recited information data is that transmitted in a single link associated with a single link establishment request. The next recitation of "information data" relates to multiple sets of data that are each to be transmitted in a distinct one of multiple links that are each associated with a distinct link

establishment request. Accordingly, the first recitation of information data, identified above, relates to one set of data communicated through a single link and the second recitation of information data relates to multiple sets of data communicated through multiple links, as would be recognized based on rules of English grammar. The third recitation of information data identified within the Final Rejection has been deleted to improve the clarity of the claimed subject matter. Accordingly, withdrawal of the indefiniteness rejections applied to claims 8-13 is deemed to be warranted.

Claim 14 was rejected, under 35 USC §102(e), as being anticipated by Blakeney II et al. (US 2006/0239363). Claims 8, 10, and 11 were rejected, under 35 USC §103(a), as being unpatentable over Blakeney in view of Bruhn (US 6,452,941). Claim 9 was rejected, under 35 USC §103(a), as being unpatentable over Blakeney in view of Bruhn and Bakshi (US 6,457,054). Claims 12 and 13 were rejected, under 35 USC §103(a), as being unpatentable over Blakeney in view of Bruhn and Melick et al. (US 7,376,194). To the extent that these rejections may be deemed applicable to the amended claims presented herein, the Applicants respectfully traverse as follows.

Claim 14 defines a communication method that transmits a link establishment request for the communication of subsequent data while current data is being communicated through an active link. The current and subsequent data are data that was originally continuous.

In an exemplary, though non-limiting, embodiment of the claimed subject matter, the current data and subsequent data are continuous data representing an image (see paragraphs [0018]-[0020] of Applicants' published specification). In another exemplary, though non-limiting, embodiment of the claimed subject matter, the current data and subsequent data are

continuous data representing the speech of a conversation (see paragraphs [0018]-[0020] of Applicants' published specification).

The Final Rejection proposes that Blakeney discloses transmitting a link establishment request for communicating speech data through a first link and, while this first link is active, transmitting a link establishment request for the subsequent transmission of modem data through a second link (see Final Rejection section 6, lines 7-13, and page 3, second paragraph). Additionally, the Final Rejection acknowledges that Blakeney's transmission of a link establishment request while a link is active is for the purpose of requesting a change of service configuration (e.g., from speech data to modem data communication) prior to terminating the current service configuration (see page 3, lines 1-4).

Thus, Blakeney discloses transmitting a link establishment request for the communication of a different type of data than that currently being communicated through an active link. As a result, the different types of data communicated through Blakeney's initial and subsequent links are not data that was originally continuous. Stated another way, speech data and modem data are not the same kind of data and, thus, are not data that was originally continuous.

Claim 14 recites transmitting a link establishment request for the communication of subsequent data while current data is being communicated through an active link and that the current and subsequent data are data that was originally continuous. Blakeney does not identically disclose this subject matter.

Accordingly, Applicants submit that Blakeney does not anticipate claim 14. Independent claim 8 similarly recites the above-mentioned subject matter distinguishing method claim 14 from Blakeney, but with respect to a method, and Bruhn is not cited in the Final Rejection for

supplementing the teachings of Blakeney in this regard. Accordingly, Applicants submit that the teachings of Blakeney and Bruhn, even if combined as proposed in the Final Rejection, still would lack the above-noted features of claim 8 and thus these references, considered individually or in combination, do not render obvious the subject matter now defined by claim 8. Therefore, allowance of claims 8 and 14 and all claims dependent therefrom is warranted.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: February 3, 2010  
JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-04161  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6966  
Facsimile: (202) 659-1559